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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

REYNALDO AYALA,

Plaintiff,

v.

ROBERT AYERS, JR. et al.,

Defendants.

Case No. C 10-0979 JSW (PR)

**JOINT STIPULATION, DECLARATION,
AND ~~PROPOSED~~ ORDER
EXTENDING DEADLINE FOR
DEFENDANTS' ANSWER TO
PLAINTIFF'S SECOND AMENDED
COMPLAINT**

Under Local Rule 6-1, the parties jointly recommend and stipulate that the Court grant Defendants a seven-day extension of time to file an answer to Plaintiff's Second Amended Complaint. Under the Court's August 20, 2012 order, Defendants must file a response to the operative complaint on or before September 4, 2012. (Docket No. 62.) Through written correspondence, the parties agreed to a seven-day extension of time, changing Defendants' deadline to file an answer to September 11, 2012.

SO STIPULATED.

Dated: 8/30/12

/s/ Martine N. D'Agostino
MARTINE N. D'AGOSTINO
California Attorney General's Office
Counsel for Defendants

SO STIPULATED.

Dated: 8/30/12

/s/ Deanna Kwong
DEANNA KWONG
Covington & Burling LLP
Counsel for Plaintiff

DECLARATION OF M. D'AGOSTINO

I, M. D'AGOSTINO, declare as follows:

I am a Deputy Attorney General in the California Attorney General's Office, counsel of record for Defendants Guthrie, Faaita, Wagner, and Schlosser in this matter. I am competent to testify to the matters set forth in this declaration, and if called to do so, would testify.

Defendants' counsel needs additional time to prepare the answer. Since receiving the Court's order on August 20, 2012, Defendants' counsel has been managing a busy case load including, but not limited to, preparing a supplemental document request, drafting a confidential settlement statement, and preparing for a settlement conference on September 4, 2012 in this case. Additionally, Defendants' counsel filed a summary-judgment motion in *Simpson v. Martinez*, Case No. 3:11-CV-02642-EMC (N.D. Cal.) on August 24, 2012. Accordingly, Defendants respectfully request an extension of time for an additional seven days in which to file an answer to Plaintiff's Second Amended Complaint, so that it may be filed on or before September 11, 2012.

The parties do not presently anticipate that the requested extension will have any substantial impact on the schedule for the case, and no other deadlines will be affected. Defendants have not previously sought an extension of time to file an answer. The only previous time modifications in the case were an extension of time for Plaintiff, who was then proceeding pro se, to file an application to proceed in forma pauperis (Docket No. 6); a 90-day extension of time for Plaintiff,

1 who was then proceeding pro se, to file an opposition to Defendants' first Motion to Dismiss
2 (Docket No. 18); an extension of the deadline for the parties' exchange of Initial Disclosures from
3 July 13, 2012 to July 20, 2012 (Docket No. 52); and a stipulation to shorten time for Plaintiff's
4 Motion for Leave to Amend his complaint (Docket No. 55).

5 I have obtained Ms. Kwong's consent to the signing of this stipulation.


6 I declare under penalty of perjury that the foregoing is true and correct. Executed this date,
7 August 30, 2012, in San Francisco, California.

8 /s/ Martine N. D'Agostino
9 M. D'AGOSTINO
10 Deputy Attorney General

11 **ORDER**

12 Per the parties' stipulation, **IT IS SO ORDERED.**

13
14 Dated: August 31, 2012

15 
16 The Honorable Jeffrey S. White
17 UNITED STATES DISTRICT COURT JUDGE

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